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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,446	11/20/2001	Stephen Edward Ecob	169.2224	8539
5514	7590	05/27/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			TRUONG, LECHI	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2194	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/988,446

**Applicant(s)**

ECOB ET AL.

**Examiner**

LeChi Truong

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 16-33 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1- 12, 14, 16-33 are presented for the examination. Claims 13, 15 are canceled.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 9, 11, 14, 17, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randisky et al (US. Patent 5,668,996) in view of Mastie et al (US. Patent 6,515,756 B1).

4. As to claims 1, Randisky teaches the invention substantially as claimed including: a device driver for a device in a information processing apparatus that executes an application (col 4, ln 9-17), application (audio content, col 6, ln 8-13/ col 4, ln 10-16), a first part of data (the timing information of original audio content/ a filename relative to mass storage device, col 6, ln 8-27/ col 8, ln 17-27), a device driver for said device (the compound device driver, col 6, ln 8-14), a second part of data ( timing information specified by the application , col 4, ln 8-16/col 8, ln 18-27), determining a model of a device to which said application is intended to interface(col 8, ln 1-7), generating said device driver for said device by using said first part of data and a

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second part of data stored in a memory( col 4, ln 8-14/ col 6, ln 17-28), memory stores said application and second part of data( col 5, ln 12-15 and ln 29-33).

5. Randisky does not explicit teach determining whether a first part of data in a memory device matches said mode, upon determining that said first part of data in said memory device matches said model, loading said first part of data. However, Mastie teaches determining whether a first part of data in a memory device matches said mode, upon determining that said first part of data in said memory device matches said model, loading said first part of data (examining configuration files in the network. The printer manager 6 would then invoke the selected printer daemon (PD) and transmit the determined print attribute values to the invoked printer daemon, col 6, ln 1-5/ a configuration file may define print attribute values for specific printers, print job, printer controller, and printer demon types, col 5, ln 47-52/ the printer manager 6 would look in directories associated with the postscript daemon to locate print attribute value, col 8, ln 20-27/ determine the printer value attributes to use for the printer daemon that is selected for the input data file/ determining whether there are print attribute for the print job, col 8, ln 63-67/ col 9, ln 5-10).

6. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Randisky and Mastie because Mastie's determining whether a first part of data in a memory device matches said mode, upon determining that said first part of data in said memory device matches said model, loading said first part of data would improve the efficiency of Randisky's system by allowing the print attribute values to be applied to transform processes executing in multiple controllers in a network printing system.

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7. As to claim 4, Randisky teaches second part of data is device model independent data (col 2, ln 27-30/col 4, ln 14-16).

8. As to claim 5, Randisky teaches configures said first part of data with said second part of data (col 6, ln 10-14/col 8, ln 20-25).

9. As to claim 9, Randisky teaches copying said first part of data into a memory card connected (col 6, ln 35-38).

10. As to claim 11, Randisky teaches data is obtained from a server over a network (col 4, ln 14-19/col 7, ln 50-53).

11. As to claim 14, Randisky teaches determined through reading an identification string from said device (col 6, ln 15-19).

12. As to claim 17, Mastie teaches determining whether a third part of data in a memory device matches said mode, upon determining that said third part of data in said memory device matches said model, loading said third part of data (examining configuration files in the network. The printer manager 6 would then invoke the selected printer daemon (PD) and transmit the determined print attribute values to the invoked printer daemon, col 6, ln 1-5/ a configuration file may define print attribute values for specific printers, print job, printer controller, and printer demon types, col 5, ln 47-52/ the printer manager 6 would look in directories associated with the postscript daemon to locate print attribute value, col 8, ln 20-27/ determine the printer value attributes to use for the printer daemon that is selected for the input data file/ determining whether there are print attribute for the print job, col 8, ln 63-67/ col 9, ln 5-10)

13. As to claims 21, 22, they are apparatus claims of claim 1; therefore, they are rejected for the same reason as claim 1 above.

**14. As to claim 23,** Randisky teaches computer program is stored in a memory medium (col 1, ln 10-20/ Fig. 1).

**15. Claims 2, 3, 6-8, 10, 12, 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Randisky et al (US. Patent 5,668,996) in view of Mastie et al (US. Patent 6,515,756 B1), as applied to claim 1 above, and further in view of Admitted prior Art (APA).

**16. As to claim 2,** Randisky teaches device model dependent (col 4, ln 62-67).

Randisky and Mastie do not teach configuration data. However, APA teaches configuration data (configuration file, page 2, ln 12-15).

**17. It** would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Randisky, Mastie and APA because APA's configuration file would improve the efficiency of Randisky and Mastie's systems by providing forward compatibility with updated printer hardware without the replacement of driver itself.

**18. As to claim 3,** Randisky teaches color conversion data to convert RGB color-space to a native color-space of said device (col 6, ln 23-27).

**19. As to claim 6,** APA teaches application in said memory is an unchangeable application (page 3, ln 15-19).

**20. As to claims 7, 8,** APA teaches a game console (page 3, ln 15-16).

**21. As to claim 10,** APA teaches first part of data is obtained from a disc for a printer (page 2, ln 12-16).

**22. As to claim 12,** APA teaches a memory in a printer (page 2, ln 8-16).

23. As to claim 18, APA teaches a game (page 3, ln 15-19).

24. As to claim 19, APA teaches a USB connection (page 4, ln 9-11).

25. As to claim 20, Randinsky teaches a user (col 3, ln 35-37/ col 6, ln 39-46).

26. Claims 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randisky et al (US. Patent 5,668,996) in view of Admitted Prior Art (APA) and further in view of Snyders (US. Patent 5,982,996).

27. As to claim 24, Randinsky teaches device driver code (the compound device driver, col 6, ln 8-27), a simple MCI device driver, col 2, ln 60-65/ col 7, ln 60-65/ Fig. 1), application (continuous media content, col 7, ln 60-65/ col 8, ln 1-10), a plurality of device modes (multimedia application programs, col 3, ln 16-18/ col 8, ln 1-10), device model independent device driver code (col 2, ln 25-31), determining a model of a device to which said application is desired to interface with (col 8, ln 1-7), mode dependent configuration data( timing parameter specified by the application program, col 6, ln 20-27), reading mode dependent configuration data for said model of said device(col 6, ln 20-27/col 8, col 20-27), configuring said device driver code with said mode dependent configuration( col 6, ln 12-27/ col 8, ln 17-27).

26. Randinsky does not explicit teach the term “ unchangeable” for application. However, APA teaches unchangeable (Unchangeable, page 3, ln 17-18).

27. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Randinsky and APA because APA’s Unchangeable would

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improve the reliability of Randinsky's system by allowing the application to have compatibility with new hardware.

28. Randinsky and APA do not explicitly teach generating a device for said mode of said device by configuring said device mode independent device driver code with said mode dependent configuration. However, Snyders teaches generating a device for said mode of said device by configuring said device mode independent device driver code with said mode dependent configuration (output device driver configured to convert the output instruction file to output instruction usable by the output device for producing output, col 2, ln 18-21/ col 6, ln 10-14/ col 8, ln 30-3/ col 9, ln 15-25/ col 51, ln 12-15 and ln 35-37).

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Randinsky, APA and Snyders because Snyders's generating a device for said mode of said device by configuring said device mode independent device driver code with said mode dependent configuration Unchangeable would improve the reliability of Randinsky and APA's system by allowing the operating system to automatically send a print job from a printer driver to any one of several receiving devices, or printers.

30. **As to claim 25**, it is an apparatus claim of claim 8; therefore, it is rejected for the same reason as claim 8 above.

31. **As to claim 26**, Randinsky teaches determining through reading an identification string from said device (col 6, ln 15-19).

32. **As to claim 27**, Randinsky teaches copying said first part of data into a memory card connected (col 6, ln 35-38).



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33. As to claims 28, 29, 30, 31, 32, 33, they are apparatus claims of claims 24, 19, 25-27; therefore, they are rejected for the same reasons as claims 24, 19, 25-27 above.

*Allowable Subject Matter*

34. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Response to the argument**

35. Applicant's arguments filed 4/10/2004 have been considered but are moot in view of the new ground(s) of rejection. Applicant amended the claims. Snyders and Mastie's references meet the amended claims.

36. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

May 23, 2005

  
MENG-AL T. AN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100